

REMARKS

These remarks are responsive to the Office Action dated July 30, 2003 and to the telephone interview held on October 28, 2003. Currently, claims 1-8 and 13-34 are pending in the application with claims 1, 13, 20, 22, 23, and 30 being independent. Claims 31-34 are new and are identical to claims 9-12 which were previously cancelled by mistake. The description and support for claims 31-34 is found in FIGS. 3-5 and on page 6, line 23 to page 7, lines 1-4 of the specification. Claims 1, 20, 22, 23, and 30 are amended. The support for the amendments is found on page 4, lines 7-14 of the Applicants' specification.

Restriction Requirement

The Applicants respectfully point out that the Examiner in her December 20, 2002 Office Action did not properly withdraw her restriction requirement of October 28, 2002. In the December 20, 2002 Office Action the Examiner withdrew her restriction requirement stating that it was done based on Applicants' election. (See, December 20, 2002 Office Action, pg. 2, paragraph 1). However, Applicants only provisionally elected claims 1-12, 20-28 and traversed the restriction requirement. The Examiner failed to address the traversal. The Examiner proceeded to examine claims 1-12 and 20-28 on the merits.

Interview

The Applicants would like to thank the Examiner and her Supervisory Examiner for the opportunity to discuss the art cited in the July 30, 2003 Office Action during the interview on Tuesday, October 28, 2003. The art used to reject the present application's claims under 35

U.S.C. 102(b) and 103(a) was clarified. The patent that was intended to be used by the Examiner to reject the present claims is U.S. Patent No. 5,782,668 to Chabert (hereinafter "Chabert") not U.S. Patent No. 6,012,826 to Chabert. Therefore, per the Examiner's clarifications during the aforementioned interview, the Applicants are presenting remarks concerning Chabert.

In the Office Action, dated July 30, 2003, the Examiner objected to the specification.

In the Office Action, dated July 30, 2003, the Examiner rejected claims 28 and 30 under 35 U.S.C. 112, ¶ 1, as containing subject matter which was not described in the specification.

The Applicants respectfully traverse the Examiner's rejection.

In the Office Action, dated July 30, 2003, the Examiner rejected claims 20-21, 23-28, and 30 are rejected under 35 U.S.C. 112, ¶ 2. The Applicants respectfully traverse the Examiner's rejection.

In the Office Action, dated July 30, 2003, the Examiner rejected claims 1, 8, 20-22, and 29-30 under 35 U.S.C. 102(b) as being anticipated by Chabert. This rejection is respectfully traversed.

In the Office Action, dated July 30, 2003, the Examiner rejected claims 2-4, 7, 23-24, and 26 as being unpatentable in view of various combinations of Chabert with at least one of U.S. Patent No. 5,108,338 to Margolis (hereinafter "Margolis") and two Official Notices taken by the Examiner. These rejections are respectfully traversed.

35 U.S.C. 102

In the July 30, 2003 Office Action, the Examiner rejected claim 1 as being anticipated by Chabert. This rejection is traversed.

On page 5, paragraph 10, of the Office Action, the Examiner stated the following:

Chabert discloses in Figs 1-6, an inflatable object [balloon 1], a shell [envelope 2], a circuit coupled to the interior portion [Fig. 5] and a switch 25, which is configured to automatically change from the open circuit position to the closed circuit position as the inflatable apparatus is inflated [col. 1 lines 19-27]

The requirement in claims 1 and 21 for a tab is met by either end part 21 or actuation contact 26 wherein the proximal portion of the tab is in contact with the switch and the distal portion of the tab is coupled to the inflatable device as recited in claim 1 and the distal portion of the tab is coupled to interior surface as recited in claim 8. (See, Office Action, Page 5, Section 10, Paragraphs 1-2).

The Applicants respectfully disagree.

Claim 1 recites an apparatus for minimizing current flow in a circuit, where the apparatus includes an inflatable device having an interior surface, where the interior surface is comprised of a like material throughout; a circuit comprising a power source and a switch electrically coupled to the power source, the circuit being coupled to the interior surface; where the switch has an open position which prevents current from flowing from the power source, and a closed position which allows current to flow from the power source through the circuit; a tab having a proximal portion and a distal portion; where the proximal portion of the tab is in contact with the switch and the distal portion of the tab is coupled to the inflatable device; where the tab is arranged to move relative to the switch and to change the position of the switch from the open position to the closed position upon inflation of the inflatable device.

In contrast, Chabert discloses an illuminating balloon having a filar element 5 that connects light bulbs to upper and lower support plates 3, 4. The support frames 3 and 4 make up a portion of the balloon's envelope and are secured by plates screwed together. The lower support plate 4 includes a circuit that is coupled to a power source (i.e., a main power source) located outside of the balloon. The filar element 5 further includes a spring 7 coupled to a hairpin

18 that has two branches 19 and 20 (with ends 21 and 22 bent radially outwards, respectively).

End 21 is capable of contacting an actuation contact 26 of a switch 25, when the balloon is in the inflated state. (See, Col. 2, lines 22-32; 51-57, 63-67, and Col. 4, lines 1-4, 17-37, 43-51).

Accordingly, Chabert does not disclose, teach, or suggest a circuit coupled to the interior surface.

The power source in Chabert's balloon is located outside the balloon. Whereas, the power source of the present invention is located inside the inflatable device, as recited by claim 1.

Thus, the power source of claim 1 is not disclosed by Chabert.

The above notwithstanding, Applicants have amended claims to further define the invention. This amendment further differentiates the present invention over the cited art, but is not necessary for that purpose. As amended, claim 1 recites that the interior surface of the inflatable device is all the same material. Whereas, Chabert's balloon is made from six different parts, i.e., two parts for the envelope, two parts for the lower support plate and two parts for the upper support plate. (See, Col. 2, lines 51-59). As seen from this portion of the patent's specification, the balloon disclosed in Chabert requires the support plates to complete the balloon. Accordingly, Chabert's balloon does not have an interior surface that has uniform balloon material.

Because Chabert does not disclose all of the elements of claim 1 of the present application, it does not anticipate claim 1. Thus, this rejection is respectfully traversed. The Examiner is requested to reconsider and withdraw her rejection of claim 1.

Claims 8, 20-22, and 29-30 are not anticipated by Chabert for at least the same reasons stated above with respect to claim 1. Therefore, the rejections of claims 1, 8, 20-22, and 29-30 are respectfully traversed.

Claims 13-19 are not anticipated by Chabert for at least the same reasons stated above with respect to claim 1. Therefore, the Examiner is respectfully requested to pass these claims to allowance.-

35 U.S.C. 103

In the July 30, 2003 Office Action, the Examiner rejected claims 2-4, 7, 23-24, and 26 under 35 U.S.C. 103(a) as being unpatentable over various combinations of Chabert with Margolis and two Official Notices. This rejection is traversed.

Claims 2-4, 7, 23-24, and 26 are dependent on respective claims 1 and 22. Because Chabert does not anticipate claims 1 and 22, Chabert also does not disclose all the elements of claims 2-4, 7, 23-24, and 26. Neither Margolis nor the two Official Notices taken by the Examiner overcome the deficiencies of Chabert. Therefore, this rejection is traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claims 2-4, 7, 23-24, and 26 based on the combination of Chabert, Margolis and the two Official Notices.

Additionally, it is noted that Official Notice is an improper source for rejecting a claim. If the Examiner wishes to take such an Official Notice, Applicants respectfully request documentation to support such Notice.

35 U.S.C. 112

The following 35 U.S.C. 112 rejections were discussed during the interview with the Examiner on Tuesday, October 28, 2003. Below is a summary of the arguments presented by the Applicants to the Examiner to overcome these rejection.

In the July 30, 2003 Office Action, the Examiner rejected claims 28 and 30 under 35 U.S.C. 112, ¶ 1 “as containing subject matter not described in the specification in such a way as to enable one skilled in the art ... to make and/or use the invention. These rejections are traversed for the reasons set forth below.

With respect to claim 28, the Examiner stated that “it is not clear how the tab is arranged to extend through the valve and enables a manual change of the switch position.” (See, Office Action, page 3, section 5). The Applicant directs Examiner’s attention to FIGS. 3 and 4, page 3, lines 7-11, page 6, lines 15-21, and also to page 7, lines 11-23 of the specification, where the tab, its functions, and operation is described. The position switching element (which can be referred to as a “tab” or “insulating material 65”) cooperates with the switch 40 of the device 100 (which can be any device according to page 5, lines 11-15 of the specification) to move the switch 40 from an open to a closed position upon inflation of the device. Therefore, the Applicants respectfully request that the Examiner review the above sections and withdraw her rejection of claim 28.

With respect to claim 30, the Examiner stated that “it is not clear how the position switching elements is capable of altering between the closed position and the open position of the switch upon the change in the device’s operating states.” (See, Office Action, page 3, section 5). The Applicants direct Examiner’s attention to page 3, lines 7-11, page 4, lines 13-14, page 5, lines 19-20, page 6, lines 9-10 and 15-21, and also to page 7, lines 1-4 and 11-23, of the Applicants’ specification, where the position switching element, its functions, and operation are fully described. The position switching element (also referred to as a “tab” or “insulating material 65”) cooperates with the switch 40 of the device 100 (which can be any device

according to page 5, lines 11-15 of the specification) to move the switch 40 from an open to a closed position upon inflation of the device. Notwithstanding the above, the Applicants have amended claim 30 to further define the invention. The Applicants direct the Examiner's attention to the amendment of claim 30. Therefore, the Applicants have fulfilled the written description requirement of 35 U.S.C. 112, ¶ 1, contrary to the Examiner's contention. This rejection is respectfully traversed and the Applicants request that the Examiner withdraw her rejection.

In the July 30, 2003 Office Action, the Examiner rejected claim 30 under 35 U.S.C. 112, ¶ 1 as containing new matter with respect to the "position switching element" recited above. The Applicants direct Examiner's attention to page 3, lines 7-11, page 4, lines 13-14, page 5, lines 19-20, page 6, lines 9-10 and 15-21, and also to page 7, lines 1-4 and 11-23, of the Applicants' specification, where the position switching element, its functions, and operation are fully described. As described above, the position switching element (or "tab" or "insulating material 65") moves the switch 40 from open to closed position upon inflation of the device. Once the position switching element is removed from the switch 40, the switch moves into the closed circuit position. In other words, the position switching element is capable of changing the switch's position from open to closed. Notwithstanding the above, the Applicants have amended claim 30 to further define the invention. The Applicants direct the Examiner's attention to the amendment of claim 30. Thus, the Applicants did not introduce new matter in claim 30, contrary to the Examiner's suggestion. The term "position switching element" is adequately defined in the specification and claims. This rejection is traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claim 30.

In the July 30, 2003 Office Action, the Examiner rejected claims 20-21, 23-28, and 30 under 35 U.S.C. 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention.

In reference to claims 20, 24, and 27, the Examiner stated that “it is not clear how the word “automatically” is intended to further limit the device.” (See, Office Action, page 4, section 8). The Applicants direct Examiner’s attention to page 3, lines 15-17 of the Applicants’ specification, where the switch is being configured to automatically change to a closed circuit position as the inflatable device is inflated. The “automatically” (as opposed to manually) limitation is therefore definite. Thus, this rejection is traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claims 20, 24, and 27.

In reference to claim 23, the Examiner stated that “it is not clear how the tab is configured to change the switch from the open circuit position to the closed circuit position.” (See, Office Action, page 4, paragraph 8). The Applicants direct Examiner’s attention to FIGS. 3 and 4, page 3, lines 7-11, page 6, lines 15-21, and also on page 7, lines 11-23 of the specification, where the tab, its functions, and operation is described. The tab or insulating material 65 is arranged to change switch 40 from open to closed position as the inflatable device 100 is inflated. Thus, the specification provides adequate description of how the tab is configured to change the switch from the open circuit position to the closed position. Thus, this rejection is traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claim 23.

In reference, to claim 30, the Examiner stated that “it is not clear how position switching element is capable of altering between the closed position and the open position of the switch

upon the change in the device's operating states." (See, Office Action, page 4, paragraph 8). The Applicants direct the Examiner's attention to FIGS 3 and 4, and page 3, lines 7-11, page 4, lines 13-14, page 5, lines 19-20, page 6, lines 9-10 and 15-21, and also to page 7, lines 1-4 and 11-23, of the Applicants' specification, where the position switching element, its functions, and operation are fully described. The position switching element (also referred to as "tab" or "insulating material 65") is capable of changing switch 40 from open to closed circuit position (different state) upon inflation of the device 100. Thus, this limitation is adequately described. This rejection is traversed. The Examiner is respectfully requested to reconsider and withdraw her rejection of claim 30.

Other Matters

In the Office Action, dated July 30, 2003, the Examiner objected to the specification under 37 C.F.R. 1.75(d)(1) and MPEP 608.01(o) as failing to provide proper antecedent basis for the claimed subject matter. The Examiner objected to claims 20, 24, 27, 28, and 30.

The Applicants direct the Examiner's attention to the Applicants' specification sections cited above corresponding the appropriate claims and cited claim limitation. The specification sections provide sufficient antecedent basis for all objected claim terms.

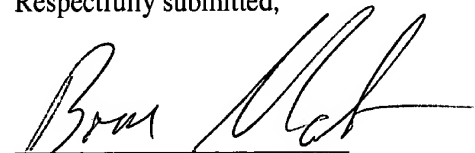
During the interview with Examiner on Tuesday, October 28, 2003, a clarification to the form PTO-326 (mailed along with the July 30, 2003 Office Action) was discussed. The following is a summary of the clarifications. The Applicants noted an inconsistency between form PTO-326, entitled "Office Action Summary" (hereinafter, "PTO-326"), enclosed with the

July 30, 2003 Office Action, and the text of the Office Action on pages 2-9 (hereinafter, "Office Action text"). Specifically, PTO-326 (specifically, sections 4-7, entitled "Disposition of Claims") states that claims 1-8 and 20-30 are pending in the application; claim 30 is withdrawn from consideration, claims 1-8 and 29 are allowed, claims 20-24 and 26-28 are rejected, claim 25 is objected to. On the other hand, the Office Action text states that claims 1-4, 7-8, 20-24, and 26-30 are rejected and claims 5-6 and 25 are objected to. To observe formalities associated with preserving consistency of the file wrapper, the Applicants respectfully request an appropriate correction.

No new matter has been added.

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

Respectfully submitted,



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